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UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA

UNITED STATES OF AMERICA,)	
)	No. CR-19-003-BMM
Plaintiff/Respondent,)	
vs.)	SIXTH UNOPPOSED MOTION
)	FOR EXTENSION OF TIME TO
)	FILE THE AMENDED § 2255
K. JEFFERY KNAPP,)	MOTION
)	
Defendant/Movant)	
_____)	

K. JEFFERY KNAPP, through counsel Stephen R. Hormel for Hormel Law Office, LLC, moves the Court to extend the time to file an amended 18 U.S.C. § 2255 motion to vacate, set aside or correct sentence to August 30, 2024.

This Court entered an order extending the time to file an amended § 2255 motion on or before May 13, 2024. (Doc. 185). Counsel has previously consulted with Mr. Knapp and has conducted review and legal research to prepare drafting an amended § 2255 motion. Counsel has also conducted more recent research for an issue relating to Mr. Knapp's conviction as a prohibited person possessing a firearm pursuant to 18 U.S.C § 922(g)(1). Counsel had been working on developing an issue that § 922(g)(1) is unconstitutional as applied to Mr. Knapp.

1 Counsel has been compiling cases resulting from *United State v. Bullock*,
2 679 F.Supp.3d 501(S.D.Miss, 2023). Several district court cases have continued
3 to either agree or disagree with that case. Furthermore, the Supreme Court is
4 likely to file a decision in *United States v. Rahimi* resolving the question of
5 “[w]hether 19 U.S.C. § 922(g)(8), which prohibits the possession of firearms by
6 persons subject to domestic-violence restraining orders, violates the Second
7 Amendment on its face.” See Attached. While this case involves § 922(g)(1), the
8 Supreme Court’s resolution of the question in *Rahimi* may have an impact on
9 issues involved in an amended § 2255 motion.
10
11

12 Mr. Knapp had been involved in supervised release violation proceedings.
13 His violations resulted in a term of imprisonment to May 6, 2024. (Doc. 186). Mr.
14 Knapp is then ordered into the Connection Corrections for 60 days, resulting in a
15 release date of July 5, 2024. *Id.*
16
17

18 Before Mr. Knapp’s incarceration for supervised release violations, he was
19 proactive and communicated on a regular basis with counsel. He is familiar with
20 the issues counsel has been developing. Since Mr. Knapp’s arrest on the violation
21 allegations, counsel has been unable to discuss the pending amended § 2255
22 motion with him.
23

24 Counsel communicated by email with AUSA Clark. She does not oppose
25 an additional extension.
26
27

1 Due to counsel's need to communicate with Mr. Knapp and due to the
2 pending Supreme Court decision in *Rihimi*, it is requested that the Court extend
3 the deadline to file the amended 2255 motion to August 30, 2024.
4

5 Dated this 17th day of April, 2024.

6 Respectfully Submitted,
7

8 s/ Stephen R. Hormel

9 MT Bar # 3059

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17 **CERTIFICATE OF SERVICE**

18 I hereby certify that on April 17, 2024, I electronically filed the foregoing
19 with the Clerk of the Court using the CM/ECF System which will send
20 notification of such filing to the following: Jennifer Clark, United States
21 Attorney's Office, District of Montana.
22

23 s/ Stephen R. Hormel

24 Counsel for Movant
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26
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